

PTO/SB/21 (09-04)

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#9
L.M.W.**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission (including this transmittal)	6 + attachments	Application Number	09/054,233
		Filing Date	Apr 2, 1998
		First Named Inventor	A.A. Angotti, et al. (as corrected)
		Art Unit	2122
		Examiner Name	A. Khatri
		Attorney Docket Number	O14-015-04-US

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance communication to (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request for Certificate of Correction under 35 USC 265 and 37 CFR 1.322, and Attachments A through L Certificate of Correction Return Post Card
Remarks		

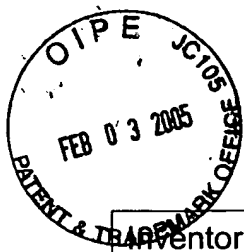
**Certificate
FEB 25 2005
of Correction****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Moore, Hansen & Sumner, PLLP		
Signature			
Printed name	Shawn B. Dempster		
Date	January 31, 2005	Reg. No.	34,321

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	K. J. Rosberg	Date	January 31, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

6411947

Inventor(s):	A. A. Angotti, et al. (as corrected)		
Serial No.:	09/054,233	Examiner:	A. Khatri
Filed:	April 2, 1998	Group Art Unit:	2122
Issued:	June 25, 2002	Patent No.	6,441,947
Docket:	O14-015-04-US	Customer No.	22,854
Title:	Automatic Message Interpretation and Routing System		

**Request for Certificate of Correction
under 35 U.S.C. 254 and 37 C.F.R. 1.322**

Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

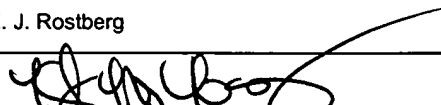
The assignee is requesting correction of the priority claim and inventors listed as shown on the front page of the above-identified patent. Details of the requested corrections are given below.

On July 29, 2004, Orion IP, LLC engaged the undersigned along with other members of the firm of Moore, Hansen & Sumner, PLLP to begin representing them on patent matters. On or about the same day, paper files from former counsel, Shumaker & Sieffert were received.

An assignment of this patent to Orion IP, LLC was recorded on August 27, 2004 and subsequently a correction was filed on November 8, 2004. (See attachments A & B)

On August 30, 2004, Orion IP, LLC executed a power of attorney document for firm of Moore, Hansen & Sumner, PLLP became agents/attorneys. (See attachment C) This power of attorney document was filed later the same day at the U.S. Patent and Trademark Office.

A review of the paper file was initiated in mid-August 2004 by the undersigned. During the review, several issues were identified, including a missing priority claim and missing inventors on the front page of the above-identified patent.

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO at 703-872-9306 or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	K. J. Rostberg		
Signature		Date	1/31/05

Background

The present patent was initially filed April 2, 1998 along with a transmittal letter and unsigned declaration for inventors Amy Rice and Julie Hsu. (See attachment D) The transmittal letter indicated that this application was a continuation patent application that claimed priority from a series of applications, including 08/_____ filed May 8, 1997, 60/042,494, filed April 3, 1997, and 60/042,656, filed April 4, 1997. In addition, the first page of the patent application contained a section entitled Cross Reference to Related Applications and is reproduced below for convenience.

This application is based on and claims priority from U.S. Patent Application No. 08/_____ filed May 8, 1997 entitled "AUTOMATIC MESSAGE INTERPRETATION AND ROUTING SYSTEM, United States Provisional Patent Application No. 60/042,494, filed April 3, 1997, entitled ELECTRONIC ROUTER FOR E-MAIL, and United States Provisional Patent Application No. 60/042,656, filed April 4, 1997, entitled ELECTRONIC ROUTER FOR E-MAIL, each of which are incorporated herein by reference for all purposes.

Subsequently, a filing receipt was issued that omitted reference to the patent application filed on May 8, 1997. (See attachment E) This filing receipt identified the two provisional applications, but omitted any reference to being a continuation application from a utility application filed on May 8, 1997 that had been identified in the original filing papers.

After the application was allowed on January 7, Examiner A. Khatri conducted an interview with the Applicant in which a double patenting rejection was raised. (See attachment F)

In response to the double patenting rejection, Application filed a terminal disclaimer that identified U.S. Patent 6,182,059 as the parent utility application filed on May 8, 1997. (See attachment G)

A PTO Internal Issuance Form from U.S. Patent 6,411,947 file history indicates that Examiner A. Khatri had also identified U.S. Patent 6,182,059 as the related parent utility application. (See attachment H)

As a result, the application serial no. of the related parent utility application was inserted in first paragraph of U.S. Patent 6,411,947. (See attachment I – Pages 1 through 5 of U.S. 6,411,947)

Upon review of the file history of the related parent U.S. Patent 6,182,059, Examiner A. Khatri was the Examiner for both patents. (See attachment J – Notice of Allowability) Both patents were before the same Examiner A. Khatri for examination for several years. In particular, the U.S. Patent and Trademark Office records indicate that Examiner A. Khatri had both patent applications co-pending before him from the filing date of April 2, 1998 for U.S. Patent 6,411,947 until the issue date of January 30, 2001 for U.S. Patent 6,182,059.

Examiner A. Khatri was made aware of an inventorship dispute by way of a Petition to File On Behalf of Joint Inventors that was filed in this parent patent on September 26, 1997 and later granted August 30, 2000, (See attachment K) where five inventors are named, including: Anthony M. Angotti, Marcellus, NY(US); Rosanna M. Piccolo,

Bayside, NY (US); Fred R. Cohen, New York, NY (US); Amy Rice, Ridgefield, CT (US); and Julie Hsu, Brooklyn, NY (US), and with Amy Rice and Julie Hsu not having signed application papers.

Also, the parent patent application filing papers included a specification, claims 1-66 and drawings that are identical to the present patent as it was originally filed. (See attachment L – Parent Patent Application filing materials and compare those filing materials to attachment D)

Remarks

From this background as outlined in attachments D through L, it is apparent that the U.S. Patent and Trademark Office, at least through Examiner A. Khatri, was aware of the relationship between the two applications that ultimately issued as U.S. Patent 6,411,947 and U.S. Patent 6,182,059. Further, some steps were taken to show that relationship in the first paragraph of U.S. Patent 6,411,947 and as evidenced by a terminal disclaimer.

In addition, the Applicant had expressed this relationship in the original filing papers, shown in attachment D, as one where U.S. Patent 6,411,947 was a continuation of U.S. Patent 6,182,059. Issued U.S. Patent 6,411,947 erroneously omitted this priority claim on the first page of the patent. Applicant believes this error was the fault of the U.S. Patent and Trademark Office. Therefore, the enclosed Certificate of Correction (PTO Form SB/44) requests that the priority claim on the face of the patent be corrected to include a priority claim to -- Continuation of Serial No. 08/853,074 filed May 8, 1997, now issued as 6,182,059, which claims the benefit of --.

Since the present patent was filed as a continuation of a parent patent application no. 08/853,074, now U.S. Patent 6,182,059, that named five inventors and which contained a specification, claims and drawings that are identical to the present patent, and which were before the same Examiner at the same time. In that parent patent application, inventorship questions were raised. In the present patent, inventorship questions should have been raised by the Examiner and settled before issuance of the present patent. Furthermore, as a continuation application, the parent patent application declaration naming five inventors should have been carried over to the present patent. As such, all five inventors in the parent patent application should have been named as the correct inventors for the present patent. These five inventors are: Anthony M. Angotti, Marcellus, NY(US); Rosanna M. Piccolo, Bayside, NY (US); Fred R. Cohen, New York, NY (US); Amy Rice, Ridgefield, CT (US); and Julie Hsu, Brooklyn, NY (US). Therefore, the enclosed Certificate of Correction (PTO Form SB/44) requests that the inventors listed on the face of the patent be corrected to include -- Anthony M. Angotti, Marcellus, NY(US); Rosanna M. Piccolo, Bayside, NY (US); Fred R. Cohen, New York, NY (US); --.

The assignee believes the foregoing shows that the errors that occurred were as a result of a errors of the U.S. Patent and Trademark Office, and that no fees are required. However, in the event it is deemed that the Patent Office is not at fault, the Applicant alternatively requests a Certificate of Correction under 35 U.S.C. 255 and 37 C.F.R. 1.323. In accordance with 35 U.S.C. 255, Applicants believe the errors are clerical

in nature and do not constitute new matter or require reexamination. The Commissioner is hereby authorized to charge the required fees for issuing a certificate of correction as well as any other fees, or credit any overpayments, to Deposit Account No. 13-4300.

Conclusion

Based on the foregoing, assignee respectfully requests the issuance of the Certificate of Correction under 35 U.S.C. 254 and 37 C.F.R. 1.322 substantially as shown in the attached PTO Form SB/44.

If any questions arise from this request for a certificate of correction, please contact the undersigned.

Respectfully submitted,

By agents for Applicant/Assignee Orion IP,
LLC

MOORE, HANSEN & SUMNER, PLLP
225 South Sixth Street
Suite 4850
Minneapolis, Minnesota 55402
(612) 332-8200

Date: 31 January 2005

By 
Shawn B. Dempster, Reg. No. 34,321

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO. : 6,411,947 **B1**

DATED : June 25, 2002

INVENTOR(S) : see below

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the face page of the patent, immediately following Inventors:, please insert --Anthony M. Angotti, Marcellus, NY(US); Rosanna M. Piccolo, Bayside, NY (US); Fred R. Cohen, New York, NY (US); --

On the face page of the patent, immediately following (60), please insert --Continuation of Serial No. 08/853,074, filed May 8, 1997, now issued as 6,189,059, which claims the benefit of --.

MAILING ADDRESS OF SENDER:

Shawn B. Dempster, Reg. No. 34,321
Moore, Hansen & Sumner, PLLP
225 South Sixth Street, Suite 4850, Minneapolis, MN 55402

PATENT NO. 6,411,947

No. of additional copies



This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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